

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
March 29, 2022
7:00 p.m.

Minutes

The meeting was open to individuals to attend in-person or virtually via Zoom.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Attendance:

In-person: Aldermen: Rich Lintz, Bridget McAndrew, Susan Buse, Becky Patel, Gary Feder, Mayor Harris, City Manager Gipson, and City Attorney O'Keefe.

Virtually: Alderman Ira Berkowitz,

Motion made by Alderman McAndrew to approve the March 10, 2022, March 15, 2022 and March 18, 2022 minutes. Alderman Berkowitz seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

Mayor Harris read an email (*copy available in the city clerk's office*) from Kathleen Gund related to the Boards and Commissions' term expirations.

RECOGNITION

Representing the MOCCFOA-Eastern Division, Nancy Sulin, City Clerk, City of Wentzville and Amanda Harris, City of Des Peres, presented City Clerk June Frazier with a Certificate for achieving the Continuing Missouri Registered City Clerk recognition.

AN ORDINANCE TO CONSIDER APPROVING A SECOND AMENDMENT TO SUBLEASE AGREEMENT RELATING TO THE REDEVELOPMENT OF 227 S. CENTRAL

City Manager Gipson reported that the City and the Developer entered into a Sublease Agreement for Parking Spaces ("Parking Agreement") for the subject property on May 14, 2019. The Parking agreement was amended on January 11, 2022.

The January 11, 2022, amendment in addition to the original May 14, 2019, Parking Agreement omitted direct payment for leased spaces to St. Louis County as required by the City and County's July 26, 2005 agreement for the Shaw Park Parking Garage. The proposed amendment corrects this omission and requires the Developer to submit payment for leased spaces to the County.

Gary Carter, Director of Economic Development, was in attendance to answer questions.

Alderman Lintz introduced Bill No. 6892, to approve an amendment to the parking agreement for 227 S. Central Avenue to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6892, first reading, an Ordinance Approving and Authorizing Execution of Second Amendment to Sublease Agreement for Parking Spaces Related to 227 S. Central Avenue by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6892 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6892, to approve an amendment to the parking agreement for 227 S. Central Avenue to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6892, second reading, an Ordinance Approving and Authorizing Execution of Second Amendment to Sublease Agreement for Parking Spaces Related to 227 S. Central Avenue by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6751 of the City of Clayton.

**AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO SECTION 215.605
“FAILURE TO SUPERVISE MINORS”**

City Manager Gipson reported that the role of the *All In Clayton Coalition* is to achieve community level change by reducing and preventing youth substance abuse. The *Coalition* collaborates with the Clayton Police Department to educate the community on the dangers of social hosting. Social hosting occurs when underage drinking takes place at a property under the control of an adult.

The Clayton City Ordinance, Section 215.605, “Failure to Supervise Minors”, prohibits social hosting. The *All In Clayton Coalition* and the staff of the Clayton Police Department reviewed this ordinance and compared it to similar ordinances in other communities. The review revealed the current ordinance lacked a prohibition preventing an adult from leaving a property under their control when it is reasonably foreseeable that minors will consume alcohol on the property.

Captain Al Thuet and Corporal Jenny Schwartz were in attendance to answer questions.

Alderman Lintz introduced Bill No. 6893, to approve an amendment to Section 215.605, Failure to Supervise a Minor to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6893, first reading, an Ordinance Amending Section 215.605 of the Clayton City Code Relating to the Offense of Failure to Supervise Minors with Regard to the Consumption or Possession of Alcoholic Beverages or Controlled Substances by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6893 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6893, to approve an amendment to Section 215.605, Failure to Supervise a Minor to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6893, second reading, an Ordinance Amending Section 215.605 of the Clayton City Code Relating to the Offense of Failure to Supervise Minors with Regard to the Consumption or Possession of Alcoholic Beverages or Controlled Substances by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6752 of the City of Clayton.

A RESOLUTION TO CONSIDER APPROVING A PLAN FOR ALLOCATION OF FUNDING RECEIVED UNDER THE AMERICAN RESCUE PLAN ACT OF 2021

City Manager Gipson reported that The United States Congress adopted the American Rescue Plan Act (“ARPA”) in March 2021, which, in part, established the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) to provide financial support to state and local governments in responding to the economic and public health impacts of COVID-19.

Under the provisions of SLFRF, the City of Clayton has been allocated \$3,395,584.65 in funding to be received in installments. The first installment of \$1,689,651.48 was received in August of 2021, a supplemental payment of \$16,281.69 was received in March 2022, and the final installment of \$1,689,651.48 is expected to be received in August of 2022.

The U.S. Department of Treasury issued its Final Rule which goes into effect on April 1, 2022, which offers election of a standard minimum allowance of up to \$10 million for revenue loss, not to exceed a recipient’s SLFRF award amount. Under this provision, a city is allowed to use SLFRF funding for continued provision of government services, with certain exceptions noted in the Final Rule.

Staff recommends that the funds be used for general government services, including administrative services and solid waste services, including collection and disposal of solid waste, recycling, and yard waste disposal for fiscal years 2021 and 2022 to utilize the full amount of ARPA funding provided to the City.

Karen Dilber, Director of Finance, was present to answer questions.

Motion made by Alderman Lintz to approve Resolution No. 2022-10, approving a plan for allocation of funding received under the American Rescue Plan Act. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO CONSIDER ADOPTION OF JUNETEENTH AS A CITY HOLIDAY

City Manager Gipson reported that on June 19, 1865, more than two years after the Emancipation Proclamation was signed by President Lincoln, enslaved Americans in Galveston, Texas, finally received word that they were free from bondage. This momentous occasion has been celebrated as Juneteenth — a combination of June and 19 — for over 150 years.

Juneteenth was recognized as a federal holiday last year. As such, staff is requesting the Board of Aldermen to consider whether it should be adopted as an official City holiday. The City currently observes ten (10) official holidays throughout the year.

Motion made by Alderman Lintz to adopt Juneteenth as a holiday. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO APPOINT A MEMBER TO THE PLAN COMMISSION/ARB

City Manager Gipson reported that due to a recent vacancy on the City's Plan Commission/ARB the Board of Aldermen encouraged the Clayton residents to complete and submit an application of interest to serve.

The City received several applications of well-qualified individuals. After careful consideration and review of all applications recommendation is to approve Kami Waldman to be appointed.

Motion made by Alderman Lintz to appoint Kami Waldman to the Plan Commission/ARB to complete the unexpired term. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

OTHER

Alderman Lintz reported that the DeMun mural is on the Clayton Community Foundation's website.

Alderman Berkowitz reported that the Plan Commission/ARB met last week and there was a presentation on the Special Development District.

Alderman Patel provided an update on the following:

- Sustainability Committee – Gabrielle Macaluso, Communications Manager, provided a presentation on the communication' plan.
- Softball season
- DeMun mural

Alderman Feder provided an update on the following:

- Attended the community meeting at the World News site
- Ward 3 Coffee
- Community Equity Committee – Housing subcommittee
- Volunteering his legal services for CCF regarding the mural

Mayor Harris provided an update on the following:

- Municipal League of Metro St. Louis
- Expressed interest in staff to research information on protecting (preserving) the Williamsburg Shop buildings on Maryland Avenue.

Motion made by Alderman Feder that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Buse seconded.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye.

The meeting adjourned at 7:45 p.m.

Mayor

ATTEST:

City Clerk